

**REMARKS**

Claims 1-20 were previously pending in this application. By this amendment, Applicant is canceling claims 1-2, 8 and 13-20 without prejudice or disclaimer. Claims 3-5, 7, and 9-11 have been amended. As a result claims 3-7 and 9-12 are pending for examination with claims 3-5, 7, and 9-11 being independent claims. No new matter has been added.

**Provisional Rejection Under Judicially Created Doctrine of Obviousness-Type Double Patenting**

The Examiner provisionally rejected claims 1-5, 7, 13-14, 16-17, and 19-20 under the judicially created doctrine of obviousness type double patenting in view of claims 1-8, 14-15, 17-18, and 20-21 of co-pending Application No. 09/875779.

Applicants enclose herewith a Terminal Disclaimer signed by assignee of record of the instant patent application. The Terminal Disclaimer should be sufficient to overcome the rejection.

Accordingly, withdrawal of this rejection is respectfully requested.

**Rejections Under 35 U.S.C. §112**

The Examiner rejected claims 1-20 under 35 U.S.C. §112(b) as being indefinite. Applicants have amended the claimed language. In particular applicants have amended the language of former claim 1 as it is added to amended claims 3, 4, 5, and 7 to clarify that the polymer is moving along a path past the detection zones (support is found on page 20, lines 26-31); that the respective detection zones are the first and second detection zones; and that plurality of measurement times occurs during the time that the elongated polymer is in the detection zones (Page 23, lines 16-35, describing measurements of a polymer as it passes the detection zone). Applicants also amended the claims to consistently use the term “elongated polymer” through the claim. Applicants have also amended the language of former claim 8 as it is added to amended claims 9-11 to clarify that the polymer is moving along a path past the detection zones (support is found on page 20, lines 26-31). It is believed that the amendments are sufficient to overcome the rejection.

Accordingly, withdrawal of this rejection is respectfully requested.

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Rejections Under 35 U.S.C. §102

The Examiner rejected claims 1-2, 8, and 13-20 under 35 U.S.C. §102(b) as being anticipated by several references. Applicants have canceled claims 1-2, 8, and 13-20.

Accordingly, withdrawal of this rejection is respectfully requested.

Allowable Subject Matter

Claim(s) 3-7 and 9-12 have been indicated to be allowable if rewritten to overcome the rejections under 35 USC 112 and to include all of the limitations of the base claims and any intervening claims. Applicants have rewritten claims 3-5, 7, and 9-11 to include the limitations of the base claims and the intervening claims. Claims 6 and 12 depend from claims 5 and 11 respectively. The claims were amended to address each of the issues under 35 USC 112. Accordingly it is believed that claims 3-7 and 9-12 are allowable.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,  
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